

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. (ALEX) JONES; *et al.*,

Defendants.

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Civil Action No. 3:18-cv-00017-NKM-JCH

**PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO COMPLETE FACT DISCOVERY**

Plaintiff Brennan Gilmore (“Plaintiff”) respectfully moves this Court for a limited extension of the fact discovery deadline to complete existing fact discovery and depositions. Defendants Alex Jones; InfoWars, LLC; Free Speech Systems, LLC; Lee Ann McAdoo; Scott Creighton; and Lee Stranahan (collectively, Defendants) agree to the request for a sixty-day extension of the current fact discovery deadline from December 12, 2021 to February 12, 2022 for the purpose of obtaining outstanding discovery productions and completing deposition practice.¹ The parties agree that an extension of the fact discovery deadline does not extend to the service of additional written discovery requests.

A limited extension of the current fact discovery deadline is warranted to allow the parties to complete existing fact discovery. There are two pending discovery disputes:

- First, Defendants Jones, Infowars, and FSS have yet to produce any documents in response to Plaintiff’s requests for analytics and marketing data, and although

¹ Plaintiff Brennan Gilmore attempted to obtain the position of Defendant James (Jim) Hoft; Defendant Hoft failed to provide a response despite being contacted on November 22 and 24, 2021.

Defendant Hoft has produced a few documents, his production remains incomplete. Although the parties are continuing to meet-and-confer in an effort to resolve any disputes without further burdening the Court, at this time, the parties remain at an impasse. Plaintiff nonetheless hopes that through continued meet-and-confer efforts the parties may resolve this dispute without the need for further intervention by the Court.

- Second, Defendant Hoft's production of documents from certain social media accounts remains outstanding. Pursuant to the October 19, 2021 telephonic conference with the Court and the Court's subsequent order, D.I. 453, Hoft filed a notice of proposed order for the Court's review and entry. D.I. 458. The Court entered the order on November 23, 2021, directing the outstanding social media platforms to produce the contents of Hoft's account(s). D.I. 461. The social media platforms have fourteen days to produce the contents of Hoft's account(s) after receiving the Court's order, and Hoft has another fourteen days to review and produce any responsive documents. This totals a minimum of twenty-eight days before Plaintiff receives the responsive documents for his review, assuming Defendant Hoft immediately serves the order upon the outstanding social media accounts.

Given the outstanding discovery and scheduling limitations faced by the parties, Plaintiff met and conferred with Defendants and the parties have agreed to take certain depositions² after

² The parties have agreed to take the depositions of Plaintiff, Hoft, Jones, McAdoo, and Stranahan in their personal capacities, and the corporate depositions of FSS, Infowars, and Gateway Pundit in 2022. The only other remaining deposition is that of Gateway Pundit employee Kellie Poen. Counsel for Hoft has indicated that he will provide her availability to be deposed in December 2021.

the current fact discovery deadline. The agreement accommodates the many competing schedules in this action, and also minimizes the risk of prejudice to Plaintiff's case.

Based on prior comments from the Court, Plaintiff is mindful that the Court (as does Plaintiff) wishes the case to move forward expeditiously. Plaintiff shares that desire. Nevertheless, because the outstanding discovery—some of which is responsive to requests Plaintiff served more than eighteen months ago in March 2020—concerns information central to Plaintiff's case, Plaintiff would be severely prejudiced should he be required to complete depositions before receiving the discovery responsive to his timely served requests. Moreover, the parties' current conflicts precludes trial until late 2022 or early 2023, which fact the parties have communicated to Judge Moon through his clerk.

Because no party will be prejudiced by an extension, Plaintiff respectfully requests that the current fact discovery deadline of December 12, 2021 be extended by sixty days to February 12, 2022 for the limited purposes of completing any existing, outstanding fact discovery and finishing depositions.

Dated: November 24, 2021

Respectfully submitted,

/s/ Kimya Saied

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November, 2021, a copy of the foregoing was served on all parties via the Court's Electronic Case Filing system, and separately sent via electronic mail to Mr. Lee Stranahan and Mr. Scott Creighton.

/s/ Kimya Saied

Kimya Saied